

Before the Board of Zoning Adjustment, D. C.

Application No. 11869 of the Estate of William Cohen, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Paragraph 3104.44 to continue the use of a parking lot in the R-5-C District at the premises 2318-2324 G Street, N. W. (Square 43, Lot 846, and 847).

HEARING DATE: April 16, 1975

DECISION DATE: February 11, 1976

FINDINGS OF FACT

1. The property is located in an R-5-C District.
2. The applicant proposes to continue the use of certain portion of the two lots which were previously approved by the Board in Case No. 10344.
3. The applicant also wishes to expand the lot into areas which were previously not approved by the Board.
4. By report dated January 23, 1974, the Department of Highways and Traffic offered no objection to the continued use of the parking lot.
5. The Municipal Planning Office, by report dated April 11, 1976, recommended approval of the application.
6. At its Executive Session held on April 16, 1975, the Board deferred decision on the application by a vote of 4-0 (Samuel Scrivener, Jr., William F. McIntosh, Lilla Burt Cummings, Esq and Martin Klauber to defer, William S. Harps not present, not voting) and directed the Secretary to the Board to write to the applicant and request a statement indicating how the parking lot could be improved.
7. By letter dated June 10, 1975 and January 6, 1976 such request were made *of* the applicant.
8. No reply has been received to these two request.

CONCLUSIONS OF LAW

The Board concludes that the applicant has twice failed to respond to a reasonable request from the Board, in order to give the Board adequate information concerning the proposed parking lot. The Board concludes that without such information,


it would be impossible to approve the application, since an adverse impact on the neighborhood might occur. It is therefore ordered that the subject application be DENIED for failure to provide an adequate burden of proof before the Board.

VOTE

3-0 (William F. McIntosh, Lilla Burt Cummings, Esq. and Samuel Scrivener, Jr. to deny, Martin Klauber not present, not voting, William S. Harps not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 3 1976